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*Via ECF*

August 20, 2024

The Honorable Dale E. Ho  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Per the Court's Individual Rules, Non-Parties 203 West and Marin are ORDERED to respond to this letter within **three (3) business days**. Plaintiff is directed to serve this Order on the Non-Parties.

SO ORDERED.

Dale E. Ho  
United States District Judge  
New York, New York

Re: Buzwin Donut Corp. v. Sentinel Ins. Co., Ltd., No. 1:24-cv-00737 (DEH) Dated: August 20, 2024

Dear Judge Ho:

In accordance with Local Rule 37.2 and Rules 4(a) and 4(k) of Your Honor's Individual Rules and Practices in Civil Cases, Sentinel Insurance Company, Ltd. ("Sentinel") respectfully requests a pre-motion conference so that it can seek to compel non-parties Marin Management Corp. ("Marin") and 203 West 14<sup>th</sup> St., LLC (c/o Marin) ("203 West") to provide responses and documents to the subpoenas that were served on them several months ago. Ex. 1; Ex. 2; Ex. 3.

This is an insurance coverage dispute regarding whether a policy issued in favor of Plaintiff covers the alleged "partial collapse of a party wall between 203 West 14<sup>th</sup> Street and 201 West 14 Street [] causing the city to issue a Full Vacate Order until repairs could be completed." Dkt. 1 ¶¶ 5-9.

Our understanding is that 203 West owned 203 West 14<sup>th</sup> Street and Marin was the property manager.

On June 12, 2024, Sentinel served Marin and 203 West with subpoenas for documents and communications regarding, among other things, the investigation and causes of the alleged partial collapse. Ex. 1; Ex. 2; Ex. 3. Neither entity responded to the subpoenas. *See* Ex. 4 at 3.

Sentinel's counsel reached out to Marin on July 16, 2024 to inquire whether the subpoenaed entities intended to respond. *See id.* Marin stated that they would "review the requests and collate the information". *Id.* Marin did not provide any documents or response. *See id.* at 2-3.

# Robinson+Cole

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Sentinel's counsel followed up with Marin on July 29, 2024. *Id.* at 2. Marin did not respond. *See id.*

Sentinel's counsel again reached out to Marin on August 1, 2024 to find out the status of the production. *Id.* Marin stated that they would produce the documents by the close of business the next day. *Id.* Marin did not do so. *See id.*

On August 5, 2024, Sentinel's counsel reached out to Marin again. *Id.* at 2-3. Marin did not respond. *See id.*

On August 7, 2024, Sentinel's counsel again reached out to Marin. *Id.* at 1. Marin replied that they would produce the documents by the end of the week. *Id.* Marin did not do so. *See id.*

In order to comply with Rule 4(k)(i) of Your Honor's Individual Rules and Practices in Civil Cases, Sentinel's counsel asked to meet and confer regarding the document productions (or lack thereof). *See id.* Marin did not respond. In a second attempt to meet and confer, Sentinel's counsel called the individual with whom he had been communicating, Evan Hollander, on August 15, 2024. Mr. Hollander did not pick up and his inbox was full.

Sentinel appreciates that Marin and 203 West are not parties to this case. However, entities are supposed to comply with subpoenas, whether or not they are parties. Marin and 203 West have flouted this rule. Hopefully a court order will entice them to respond. Sentinel therefore requests a pre-motion conference so that the Court can issue an order compelling Marin and 203 West to respond to the subpoenas by August 30, 2024. Plaintiff does not object to this letter-motion and, given their silence, Sentinel does not know Marin's position.

Thank you for your consideration of this request.

Respectfully,

/s/ Glenn Greenberg

Glenn Greenberg

CC: All Counsel of Record (*via ECF*)  
Marin Management Corp. (*via email and courier*)